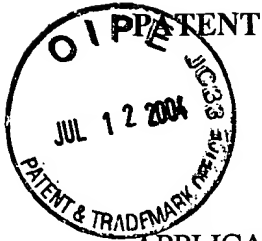


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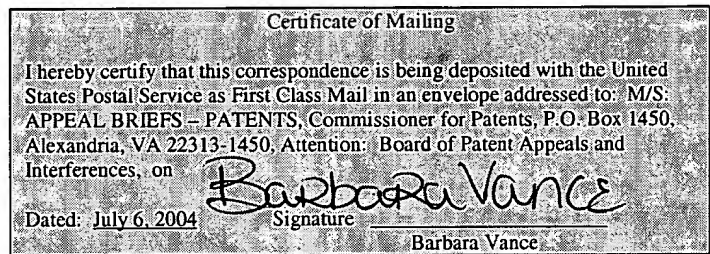
APPLICANTS : Liuyang YANG  
SERIAL NO. : 09/116,147  
FILED : July 16, 1998  
FOR : METHOD AND APPARATUS TO IMPROVE  
EFFICIENCY IN MULTIPLE-PASS, BIT-RATE-  
CONTROLLED FRAME ENCODING  
GROUP ART UNIT : 2613  
EXAMINER : Y. Young LEE

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M/S: APPEAL BRIEFS - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



ATTENTION: Board of Patent Appeals and Interferences

**REPLY BRIEF UNDER 37 C.F.R §1.193**

Dear Sir:

This is in reply to issues raised by the Examiner in his Answer of May 5, 2004.

Claims 1-25 were rejected under 35 U.S.C. §102(e) as being anticipated by Puri et al. U.S. Patent No. 6,148,026 (hereinafter "Puri").

### **The Error of the Examiner's Analysis In Finding Claims 1-25 Unpatentable**

Appellants believe that the Examiner's conclusion of anticipation of claims 1-25 is based on a misunderstanding or misinterpretation of the claims and the prior art. Puri generally discloses coding video data with enhanced functionality by coding video data as base layer data and enhancement layer data. The Appellant's present invention discloses performing multiple encoding passes and excluding sub-steps in an encoding pass for which that sub-step is unnecessary. The Examiner does not show how Puri discloses this, instead taking two separate elements in Puri and trying to show that these elements disclose this feature. Describing the first element of Puri, the Examiner states:

(1) the first circumstance, in which data is recoded, Figure 1C of Puri et al discloses encoding the data using a smaller set of parameters to create a smaller set of mesh nodes. Thus, the remaining mesh node coding steps are excluded during the recoding pass for which these mesh node coding steps are deemed unnecessary;

(Examiner's Answer, p. 3).

The Examiner does not refer to where Puri discloses excluding remaining mesh node coding steps, and indeed in no place in Puri is this disclosed. The change of parameters and variables involved in the recoding does not mean that sub-steps are excluded, and Puri does not disclose such.

Describing the second element of Puri, the Examiner states:

(2) the second circumstance, in which mesh node encoding is disabled, Figure 2A of Puri et al illustrates an alternative embodiment where compositor 440 may command the encoder 300 to exclude the sub-step of mesh node encoding from execution altogether because the entire mesh node encoding step is deemed unnecessary (see col. 6, lines 32-35 and 49-52).

(Examiner's Answer, p. 3).

The sections of Puri cited above state:

Where the decoder 400 operates in a mode that does not require mesh node encoding, the compositor 440 may command the encoder 300 to disable the mesh node encoding altogether.

(Puri, col. 6, lines 32-35).

Where mesh node motion vectors are unnecessary, the decoder 400 may command the encoder 300 via a back channel to omit them from the encoded output.

(Puri, col. 6, lines 49-52).

Puri does not disclose shutting off the enhancement layer during the recoding process as the data is not recoded. The data only receives a single encoding pass of the base layer in this embodiment. Therefore, the data does not exclude an unnecessary sub-step of the encoding pass as those sub-steps were never part of the encoding pass to begin with.

The Examiner for this application has attempted to reference some elements of Puri as disclosing elements of the claims without considering the relationships of the elements within the claims. These relationships are themselves limitations that must be shown by the prior art. The effect is similar to rearranging words in a sentence or paragraph to create a new meaning. The words are there but the relationships are not. Puri does not disclose the relationships described in the claims. Therefore, Puri does not disclose the invention as claimed.

## CONCLUSION

In conclusion, Appellants submit that the Examiner has improperly construed the claims on appeal, misreading the elements that are at the heart of the claimed invention. These elements are missing from the cited art and Appellants submit that, because of this, the Examiner's rejection should be reversed.

The Examiner's Answer was dated March 5, 2004, so this Reply Brief is timely filed.


The Commissioner is hereby authorized to charge any additional fees required or credit any overpayment in connection with this correspondence to KENYON & KENYON, Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON

Date: July 6, 2004

By: \_\_\_\_\_

  
Stephen T. Neal  
Reg. No. 47,815  
Attorneys for Intel Corporation

KENYON & KENYON  
333 West San Carlos Street, Suite 600  
San Jose, CA 95110

Telephone: (408) 975-7500  
Facsimile: (408) 975-7501